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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/460,552 | 12/14/1999 | DAVID L. DEAN, JR. | HE0083 | 2615 |

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EXAMINER

AMARI, ALESSANDRO V

ART UNIT PAPER NUMBER

2872

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/460,552

Applicant(s)

DEAN, JR. ET AL.

Examiner

Amari, Alessandro V.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 7-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I in Paper No. 4 is acknowledged.

Claims 7-16 remain withdrawn as directed to the non-elected inventions.

The traversal is on the ground(s) that the ferrule can only be made by molding and therefore does not meet the criteria of distinctness as set forth by the examiner. This is not found persuasive because the examiner disagrees with the applicant's narrow interpretation of the term "parting line" with regard to the claims. A parting line is merely where two body portions join. These portions clearly can be joined by any of various known means/methods in the art. Applicant is directed to Weiss et al., U.S. Patent 6,045,270 which teaches that ferrules may be manufactured from machining techniques (see column 20, lines 22-29) and which shows (see Figures 13 and 14) body portions joined along a parting line.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. In order to avoid abandonment, the drawing informalities noted in Paper No. 2, mailed on July 26, 2001, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper. The informalities will not be held in abeyance.

Claim Rejections - 35 USC § 102

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 5, and 6 stand rejected under 35 U.S.C. 102(e) as being anticipated by Edwards et al. U.S. Patent 5,926,596.

In regard to claim 1, Edwards et al. discloses (see Figures 1 and 4) a ferrule (10) comprising first and second body portions (14 and 12, respectively) joined along a parting line (as shown in Figure 5) wherein at least one of said ferrule body portions defines at least one optical bore (34) extending lengthwise through the ferrule as illustrated in Figure 4. Furthermore, Edwards et al. discloses that the first ferrule body portion has a first width and the second ferrule body portion has a second width that is smaller than the first width by at least 50 microns as described in column 5, lines 60-61 and column 6, lines 53-56.

In regard to claim 5, Edwards et al. discloses a ferrule wherein the first and second ferrule body portions cooperate to define a ledge extending lengthwise along the parting line as shown in the upper portion of Figure 4.

In regard to claim 6, Edwards et al. discloses a ferrule wherein the first and second ferrule body portions cooperate to define a plurality of optical fiber bores (54) such that the ferrule is a multifiber ferrule as illustrated in Figure 5.

Response to Arguments

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5. Applicant's arguments filed January 16, 2002 have been fully considered but they are not persuasive.

The applicant argues that the "parting line" of Edwards et al. is not a parting line where two ferrule body portions are joined but rather that Edwards et al. discloses a precision portion or alignment block and an overmolded body portion that is overmolded onto the precision portion. Applicant further argues that nowhere in Edwards et al. is a parting line or the joining of two ferrule body portions disclosed or suggested.

However, the applicant is reminded that the rejection is based on the claim recitation. The Examiner would like to point out that a parting line is merely where two body portions join. Furthermore, "parting" is defined as "a place or point where a division or separation occurs" (see Merriam-Webster's Collegiate Dictionary, Tenth edition, 1999). Clearly, a "parting line" where a division occurs between the first body portion (14) and the second body portion (12) can be seen in Figure 4 (see the dotted line in Figure 5). Also, applicant's attention is directed to Edwards et al., column 4, lines 4-15 which clearly states that the method of producing the ferrule consists of a) producing a body portion (12) and **then** (b) overmolding the aforementioned portion to produce another body portion (14). Again, Edwards et al. clearly states that the ferrule comprises two body portions which are produced separately and therefore must be joined at a parting line at the time the ferrule is produced.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is 703-306-0533. The examiner can normally be reached on Monday-Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on 703-308-1687. The fax phone numbers for the organization where this application is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

ava *ava*
March 12, 2002


Cassandra Spyrou
Supervisory Patent Examiner
Technology Center 2800